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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,250	03/23/1999	TOSHINAO KOMURO	21.1908	8151

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274250

Applicant(s)

Komuro

Examiner

Sax

Group Art Unit

2179

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/23/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) 2-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. This application has been examined.
 2. The CPA filed 8/02 and amendment filed 7/02 have been entered.
 3. The foreign priority has been acknowledged - see Form PTO-326 enclosed.
-
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
 5. Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al (6421675) and Gaffaney et al (5634008).

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6. Regarding claim 2, Ryan et al show a viewer to display images accessible by associated identifying information (URL website) (Figures 2, 3A, column 4 lines 30-42), comprising: a definition management note to store a number of times of display of an accessed image by the associated unique identifying information (Figures 3B, 5, 7, column 2 lines 25-37, column 6 lines 5-12 and 29-50, column 9 lines 5-15), an importance degree unit to count the number of times of display of an accessed image by the associated unique identifying information (column 9 lines 5-15 and 40-55, column 11 lines 45-68). Ryan et al do not specifically mention the threshold values corresponding to the identifying information, or the subsequent setting of a mark when the counted number of times exceeds one of these threshold values, but do mention updating the count of web site hits (image access) (column 11 lines 40-50) to determine importance or relevance of a network site (website). Furthermore, Gaffaney et al show threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value (Figures 4A-B, column 2 lines 50-63, column 4 lines 42-50, column 8 lines 5-20), to determine relevance or importance to a network site. It would have been obvious to a person with ordinary skill in the art to have threshold values corresponding to identifying information and setting a mark when a count exceeds a threshold value, in Ryan et al, because it would provide a convenient way to determine importance or relevance of a network site in a system that updates counts of network site access.

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7. Regarding claim 3, Ryan et al show the associated images themselves as the object counted (column 2 lines 25-37). The obviousness to threshold values is the same as above.

8. Regarding claims 4-5, the viewer is a browser and the identifying information is a URL (Ryan et al column 5 lines 34-38).

9. Regarding claim 6, the degree mark may be indicated by characters being displayed (Ryan et al Figure 6 for example) Note that this is all that is required to fulfil the claim recitation.

10. Regarding claims 8, in addition to the aforementioned, the information is relating to a web page (Ryan et al column 5 lines 30-40).

11. Regarding claim 7, when the threshold is exceeded, a process is designated (Gaffaney et al column 8 lines 5-20).

12. Regarding claims 9-10 and 12, depending on the number of times counted, the the web pages are 'registered' or called on hold in an order of their display frequency (Ryan et al column 12 lines 25-40 for example).

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13. Regarding claim 11, when the URL is selected, it generates the web page (Ryan et al column 5 lines 30-40).

14. Claims 13-20 show the same features as above and are rejected for the same reasons.

15. Applicant's arguments with respect to claims 2-20 have been considered but are moot in view of the new ground(s) of rejection.

16. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238

After Final Communication

(703) 746-7239

Official Communication

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(703) 746-7420

For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMARY EXAMINER